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and privileges, a gas company by obtaining an extension of its charter did not surrender its proprietary or contractual right to use the streets of a city, where it had acquired a grant of such right for an indefinite time.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 543.]

Error to Hustings Court of Portsmouth.

Information in the matter of quo warranto by the Commonwealth, on relation of the City of Portsmouth, against the Portsmouth Gas Company. Judgment for defendant on demurrer, and the relator brings error. Affirmed.

Mann & Tyler, of Norfolk, for plaintiff in error.

Goodrich Hatton, of Portsmouth, for defendant in error.

BARKER *v.* COMMONWEALTH. (No. 72.)

June 20, 1922.

[112 S. E. 798.]

Criminal Law (§ 585*)—Evidence Held Insufficient to Establish Dates of Sales of Liquor.—Evidence on a trial for the sale of ardent spirits held insufficient to establish the dates of sales as within 12 months prior to indictment.

[Ed. Note.—For other cases, see 8 Va. W. Va. Enc. Dig. 34.]

Error to Circuit Court, Lee County.

Bill Barker was convicted for the illegal sale of ardent spirits, and he brings error. Reversed and remanded.

Pennington & Pennington, of Pennington Gap, for plaintiff in error.

John R. Saunders, Atty. Gen., and *J. D. Hank, Jr.*, Asst. Atty. Gen., for the Commonwealth.

COOPER *v.* COMMONWEALTH. (No. 75.)

June 20, 1922.

[112 S. E. 799.]

1. Indictment and Information (§§ 86 (3), 87 (4)*)—Allegation of Particular Place and Time Held Not Necessary.—An indictment for violation of the prohibition act need not allege a sale at any particular time or place if the time is within one year prior to indictment.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 241.]

2. Criminal Law (§ 1202 (3)*)—In a Prosecution for Second Violation of Prohibition Law, Evidence Held to Establish First Offense.—In a prosecution for a second violation of Prohibition Law, §§ 3, 3a, 4, and 5, a judgment reciting that accused had been convicted "on an

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.